

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

BRIAN HUGHS,

Plaintiff,

-against-

ROYAL ENERGY RESOURCES, INC. and  
WILLIAM TUORTO,

Defendants.

C/A No. 2:20-cv-1566-DCN

**DEFENDANTS' ANSWERS TO LOCAL RULE 26.01 INTERROGATORIES**

COME NOW Royal Energy Resources, Inc. ("Royal") and William Tuorto ("Mr. Tuorto") and with Royal, the "Defendants"), and hereby respond to the following interrogatories pursuant to DSC Local Rule 26.01:

- A. State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of that interest.

**ANSWER:** Not applicable.

- B. As to each claim, state whether it should be tried jury or nonjury and why.

**ANSWER:** The Plaintiff has filed four claims and has requested a jury trial thereon. Defendants have filed two counterclaims and request a jury trial thereon. Defendants are entitled to a jury trial on their counterclaims pursuant to Seventh Amendment to the Constitution of the United States and the South Carolina Constitution, Article I, Section 14.

- C. State whether the party submitting these responses is a publicly-owned company and separately identify (1) any parent corporation and any publicly-held corporation owning

ten percent (10%) or more of the party's stock; (2) each publicly-owned company of which it is a parent; and (3) each publicly-owned company in which the party owns ten percent (10%) or more of the outstanding shares.

**ANSWER:** Defendant Royal is a publicly owned corporation. More than 10% of its common stock is owned by E-Starts Money, Co., which is not a public company. Royal owns Rhino GP, LLC as a wholly-owned subsidiary. Rhino GP, LLC is the general partner of a Rhino Resource Partners, LP, which is a publicly owned master limited partnership. In addition, Royal owns common units and subordinated units in Rhino Resource Partners, LP.

D. State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civ. Rule 3.01 (D.S.C.).

**ANSWER:** A substantial part of the events or omissions in the complaint and counterclaims occurred in or around Charleston, SC. Brian Hughs is a resident of Charleston, SC.

E. Is this action related in whole or in part to any other matter filed in this district, whether civil or criminal? If so, provide (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases that may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the clerk of court based on a determination of whether the cases arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

**ANSWER:** No.

- F. If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

**ANSWER:** Not applicable.

- G. If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of their liability.

**ANSWER:** With respect to Mr. Tuorto's counterclaim against Plaintiff, Mr. Tuorto contends that Yorktown Partners, LLC, and certain employees of Yorktown and its affiliates (which are identified in the counterclaim) may be jointly liable for claims asserted in the counterclaim because it/they acted jointly with the Plaintiff in a conspiracy.

This 14<sup>th</sup> day of August 2020.

By: s/Robert J. Wyndham

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**CERTIFICATE OF SERVICE**

This is to certify that I have this date served a copy of the within and foregoing pleading on opposing counsel via regular mail and email as follows:

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This 14<sup>th</sup> day of August, 2020.

*/s/ Robert Wyndham*

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Robert Wyndham